

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:08cv70

PEGGY J. GARRETT,

Plaintiff,

Vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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JUDGMENT

THIS MATTER having come before the court pursuant to 28, United States Code, Section 636(c) and upon plaintiff's Motion for Summary Judgment and the Commissioner's Motion for Summary Judgment, and it appearing that the final decision of the Commissioner is supported by substantial evidence and consistent with current law, as shown in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that defendant's Motion for Summary Judgment (#23) is **GRANTED**, plaintiff's Motion for Summary Judgment (#20) is **DENIED**, the final decision of the Commissioner's is **AFFIRMED**, and this action is **DISMISSED**.

Signed: January 29, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

